

**Title 10: COMMERCE AND TRADE**  
**Chapter 102-A: MAINE HEALTH DATA PROCESSING CENTER**

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**Maine Revised Statutes**  
**Title 10: COMMERCE AND TRADE**  
**Chapter 102-A: MAINE HEALTH DATA PROCESSING CENTER**

**§681. AUTHORITY TO ESTABLISH**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)*

*(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The Maine Health Data Organization, established pursuant to Title 22, chapter 1683, and a nonprofit health data processing entity referred to in this chapter as "Onpoint Health Data" or its successor organization may form a nonprofit corporation under Title 13-B in order to collect and process health care claims data, to be known as the Maine Health Data Processing Center, referred to in this chapter as the "center." The center shall carry out its purposes in complement to and in coordination with the Maine Health Data Organization and Onpoint Health Data. [ 2009, c. 613, §1 (AMD) . ]

The center is a nonprofit corporation with a public purpose and the exercise by the center of the powers conferred by this chapter is an essential governmental function. [ 2001, c. 456, §1 (NEW) . ]

SECTION HISTORY

2001, c. 456, §1 (NEW). 2009, c. 613, §1 (AMD) .

**§682. FUNCTION OF CENTER**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)*

*(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The center shall collect and process health care claims data in coordination with existing state, regional and local agencies. Such efforts must include, but are not limited to, the following: [ 2001, c. 456, §1 (NEW) . ]

**1. Establishing, maintaining and making available database system.** Establishing, maintaining and making available to the Maine Health Data Organization an all-payor and all-setting health care database system based on claims data in addition to the existing databases of the Maine Health Data Organization. The center shall provide the Maine Health Data Organization with a health care claims database for public dissemination, subject to confidentiality requirements of Title 22, chapter 1683 and the rules adopted pursuant to that chapter, within the time period and in the manner specified by the Maine Health Data Organization;

[ 2001, c. 456, §1 (NEW) . ]

**2. Developing claims-based data.** Building upon the experience and expertise of the Maine Health Data Organization and Onpoint Health Data to collect, process and maintain health care data extracted from claims data in a cost-effective manner;

[ 2009, c. 613, §2 (AMD) . ]

**3. Collecting and processing data.** Collecting and processing data from 3rd-party payors, 3rd-party administrators and governmental agencies; and

[ 2001, c. 456, §1 (NEW) . ]

**4. Promoting high-quality and accurate data.** Promoting high-quality and accurate data to support easy and flexible access to the health care database by multiple users under terms and conditions specified by the Maine Health Data Organization.

[ 2001, c. 456, §1 (NEW) .]

All data collected and processed by the center is the sole and exclusive property of the Maine Health Data Organization for all purposes, including, but not limited to, the determination of what data is confidential and what data is available for release to the public. All data is subject to the provisions of Title 22, chapter 1683 and rules adopted pursuant to that chapter. [ 2001, c. 456, §1 (NEW) .]

#### SECTION HISTORY

2001, c. 456, §1 (NEW). 2009, c. 613, §2 (AMD).

## §683. BOARD OF DIRECTORS; OFFICERS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)*

*(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The Board of Directors of the Maine Health Data Processing Center, referred to in this chapter as the "board of directors," consists of 11 directors. [ 2009, c. 613, §3 (AMD) .]

**1. Nominations.** The director of the Maine Health Data Organization and the president of Onpoint Health Data are ex officio members of the board of directors and are authorized to vote. In order to achieve balanced representation, the director and president shall nominate the following representatives for service on the board of directors:

A. Three members representing different constituencies of the Onpoint Health Data board of directors and 3 members representing different constituencies of the Maine Health Data Organization board of directors; and [ 2009, c. 613, §3 (AMD) .]

B. Three nominees chosen from among the following constituency categories that are underrepresented on the board of directors:

(1) Health care providers;

(2) Third-party payors;

(3) Employers; and

(4) Consumers of health care. [ 2009, c. 613, §3 (AMD) .]

C. [ 2009, c. 613, §3 (RP) .]

D. [ 2009, c. 613, §3 (RP) .]

E. [ 2009, c. 613, §3 (RP) .]

[ 2009, c. 613, §3 (AMD) .]

**2. Election.** The names of the representatives nominated under this section must be presented to the boards of directors of the Maine Health Data Organization and Onpoint Health Data for election to the board of directors.

[ 2009, c. 613, §3 (AMD) .]

**3. Limitation on terms.** An elected person may serve as a director for not more than 2 5-year terms in succession and continues to serve until a successor has been appointed.

[ 2009, c. 71, §1 (AMD) . ]

**4. Chairs.** The board of directors shall elect a chair and a vice-chair from among its members at the first meeting of the board each year.

[ 2001, c. 456, §1 (NEW) . ]

**5. Manager.** The board of directors shall appoint a manager to serve at the pleasure of the board and to represent the board in the management of the center. The manager has the necessary authority and responsibility for the operational management of the center in all of the activities of the center.

[ 2001, c. 456, §1 (NEW) . ]

#### SECTION HISTORY

2001, c. 456, §1 (NEW). 2009, c. 71, §1 (AMD). 2009, c. 613, §3 (AMD).

### §684. GENERAL POWERS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)*

*(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The center may: [ 2001, c. 456, §1 (NEW) . ]

**1. Application for and receipt of funds.** Apply for and receive funds from any private source or governmental entity by way of grant, donation or loan or in any other manner;

[ 2001, c. 456, §1 (NEW) . ]

**2. Real and personal property.** Purchase, receive, hold, lease or acquire by foreclosure and operate, manage, license and sell, convey, transfer, grant or lease real and personal property together with such rights and privileges as may be incidental and appurtenant to the real and personal property and the use of the real and personal property, including, but not limited to, any real or personal property acquired by the center from time to time in the satisfaction of debts or enforcement of obligations;

[ 2001, c. 456, §1 (NEW) . ]

**3. Expenditures and obligations regarding real and personal property.** Make all expenditures and incur any obligations reasonably required in the exercise of sound business principles to secure possession of, preserve, maintain, insure and improve real and personal property or interests in the real and personal property acquired by the center;

[ 2001, c. 456, §1 (NEW) . ]

**4. Contracts and liabilities.** Make contracts, including contracts for services, and incur liabilities for any of the purposes authorized in the contracts;

[ 2001, c. 456, §1 (NEW) . ]

**5. Cooperation with agencies and organizations.** Cooperate with and avail itself of the services of government agencies and the University of Maine System and cooperate, assist and otherwise encourage organizations, local or regional, private or public, in the various communities of the State in the collection and processing of health care data;

[ 2005, c. 565, §1 (AMD) .]

**6. Bylaws.** Adopt bylaws that are consistent with this chapter for the governance of the affairs of the center, have the general powers accorded corporations under Title 13-C, section 302 and do all other things necessary or convenient to carry out the lawful purposes of the center; and

[ 2005, c. 565, §2 (AMD) .]

**7. Process data on behalf of entities outside State.** Enter, to offset its operating costs, into contracts under subsection 4 with governmental or private entities outside the State to collect and process health care data for those entities. Data collected and processed by the center under contract are subject to the terms of the contract and the provisions of this chapter. Notwithstanding section 682, data collected under this subsection remain the sole and exclusive property of the entity contracting with the center.

[ 2005, c. 565, §3 (NEW) .]

#### SECTION HISTORY

RR 2001, c. 2, §B58 (AFF). RR 2001, c. 2, §B22 (COR). 2001, c. 456, §1 (NEW). 2005, c. 565, §§1-3 (AMD).

## §685. LIMITATION OF POWERS

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)*

*(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The center does not have power or authority to enter into contracts, obligations or commitments of any kind on behalf of the State or any of its agencies, nor does it have the power of eminent domain or any other power not provided to business corporations generally. [2001, c. 456, §1 (NEW).]

#### SECTION HISTORY

2001, c. 456, §1 (NEW).

## §686. PROHIBITED INTERESTS OF OFFICERS, DIRECTORS AND EMPLOYEES

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

*(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)*

*(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

An officer, director or employee of the center or the spouse or dependent children of such a person may not receive any direct personal benefit from the activities of the center in assisting any private entity. This section does not prohibit corporations or other entities with which a director is associated by reason of ownership or employment from participating in health care data collection or processing activities with the center as long as the ownership or employment is made known to the board of directors and that director abstains from voting on matters relating to that participation. [2001, c. 456, §1 (NEW).]

#### SECTION HISTORY

2001, c. 456, §1 (NEW).

**§687. FUNDING***(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)**(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The State, through the Governor, may accept donations, bequests, devises, grants or other interests of any nature on behalf of the center and transfer funds, property or other interests to the center. The Maine Health Data Organization may also provide legislatively authorized funds to the center for the purposes described in sections 681 and 682. [ 2001, c. 456, §1 (NEW) . ]

## SECTION HISTORY

2001, c. 456, §1 (NEW) .

**§688. AUDIT; PUBLIC ACCESS***(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)**(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

Before January 1st of each year, the center shall provide an independent audit of the activities of the center to the boards of directors of the Maine Health Data Organization and Onpoint Health Data. Audits must be done as required by law or by the Department of Administrative and Financial Services. To ensure public accountability, the center is subject to the provisions of Title 1, chapter 13, subchapter 1. [ 2009, c. 613, §4 (AMD) . ]

## SECTION HISTORY

2001, c. 456, §1 (NEW) . 2009, c. 613, §4 (AMD) .

**§689. GENERAL CONDITIONS; DISSOLUTION***(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)**(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))*

The center operates as a nonprofit organization consistent with its composition and broad public purposes. The following conditions apply to the operation or dissolution of the center. [ 2001, c. 456, §1 (NEW) . ]

**1. Net earnings of center.** The annual net earnings of the center must be distributed to the Maine Health Data Organization and Onpoint Health Data in proportion to the average annual funding provided by each entity for the operational costs of the center. The net earnings of the center may not inure to the benefit of any officer, director or employee, except that the center is authorized and empowered to pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property in furtherance of the purposes of the center.

[ 2009, c. 613, §5 (AMD) . ]

**2. Dissolution of center.** Upon dissolution of the center, the board of directors shall, after paying or making provision for the payment of all liabilities of the center, cause all of the remaining assets of the center to be transferred to the Maine Health Data Organization and Onpoint Health Data in shares proportionate to the total revenue transferred to the center by each entity.

[ 2009, c. 613, §6 (AMD) . ]

## SECTION HISTORY

2001, c. 456, §1 (NEW). 2005, c. 565, §4 (AMD). 2009, c. 613, §§5, 6 (AMD).

## **§690. LIBERAL CONSTRUCTION**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

***(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)***

***(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691; PL 2009, c. 71, §2 (amd))***

This chapter must be liberally construed and broadly interpreted to effect the interest and purposes of the center for an improved health care data collection and processing effort in the State. [2001, c. 456, §1 (NEW).]

### SECTION HISTORY

2001, c. 456, §1 (NEW).

## **§691. REPEAL**

*(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)*

***(WHOLE SECTION TEXT EFFECTIVE UNTIL 9/1/15)***

***(WHOLE SECTION TEXT REPEALED 9/1/15 by T. 10, §691)***

This chapter is repealed September 1, 2015. [2009, c. 71, §2 (AMD).]

### SECTION HISTORY

2001, c. 456, §1 (NEW). 2005, c. 253, §1 (AMD). 2009, c. 71, §2 (AMD).

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